



Krystle Delgado, AZ Bar No. 031219  
**Delgado Entertainment Law, PLLC**  
3295 North Drinkwater Blvd., Suite 9  
Scottsdale, Arizona 85251  
Telephone: (480) 248-0657  
Facsimile: (480) 718-8759  
[krystle@delgadoentertainmentlaw.com](mailto:krystle@delgadoentertainmentlaw.com)  
*Attorney for Plaintiff*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

New Parent World, LLC, a New Jersey  
for-profit corporation (d/b/a My Baby  
Experts),  
  
Plaintiff,  
  
vs.

Case No. 3:23-CV-08089-DGC

**PLAINTIFF'S MOTION FOR  
PROTECTIVE ORDER**

True To Life Productions, Inc., an Arizona  
for-profit corporation; Heritage House '76,  
Incorporated, an Arizona for-profit  
corporation; Brandon Monahan, in his  
individual capacity,  
  
Defendants.

COMES NOW, Plaintiff, New Parent World, LLC ("Plaintiff"), by and through undersigned counsel, hereby files this Motion for Protective Order (the "Motion") pursuant to the Federal Rule of Civil Procedure, Rule 26(c). Plaintiff, on behalf of its principal, Mrs. Shari Criso ("Shari"), seeks an order to protect Shari from undue burden and expense, and from the embarrassment and oppression of revealing further sensitive medical information, by forbidding further inquiry into her medical history and ordering that her deposition (on behalf of Plaintiff and herself individually) take place via a virtual platform, such as Zoom.

1 Defendants demand in-person depositions in Arizona, which is unreasonable given Shari's  
2 current medical status.

3 **I. FACTUAL BACKGROUND**

4 In anticipation of upcoming depositions, and Plaintiff's recently altered medical  
5 status, Plaintiff provided multiple letters to Defendants from separate licensed specialists,  
6 stating that air travel poses a substantial risk to her health, beyond the fact that it causes  
7 swelling to extremities and is extremely painful. *See* Exhibit A. This was following an  
8 initial call on July 22, 2024, where Plaintiff's counsel indicated to Defendants' counsel  
9 that virtual depositions for Shari would likely be needed now, and that Plaintiff would be  
10 providing a second letter from a specialist to confirm Shari's recently changed medical  
11 status. In response, Defendants' counsel repeatedly accused Shari of lying about her  
12 medical condition and accused her of getting "friends" to write these letters for her. *See*  
13 Exhibit B. Because of Shari's recently discovered condition, which makes her highly  
14 susceptible to injury (and is one of the reasons Shari has been warned against air travel by  
15 her doctors) Shari broke her foot only a week ago while walking, on July 26, 2024.

16 After receiving an initial evaluation at an urgent care facility, x-rays confirmed that  
17 Shari indeed suffered a fracture. This very sensitive information about Shari's injury,  
18 which is understandably embarrassing to Shari, was communicated to Defendants'  
19 counsel on the same day. *See* Exhibit C. Plaintiff's counsel emphasized that Shari's  
20 condition was unknown when Plaintiff initiated this lawsuit in May of 2023, but that  
21 Plaintiff remained open to discussing the best way to conduct the upcoming depositions.  
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1 *Id.* Defendants’ ignored this email, and in response, noticed **in-person depositions** for  
2 Shari on August 15, 2024 and August 16, 2024. *See* Exhibit D at p.4. On August 30, 2024,  
3 Defendants’ counsel sent a follow up email stating that Plaintiff had “provided no  
4 evidence to suggest [Shari] is incapable of traveling to Arizona,” and went on to continue  
5 accusing Shari of not having any real health concern if she could travel by RV on vacation  
6 earlier this year. *Id.* at p.3. Shari indeed can travel by RV, which is significantly safer than  
7 flying by air.<sup>1</sup>

9         Plaintiff’s counsel responded to Defendants’ counsel on July 31, 2024, saying she  
10 found it sickening that Defendants’ counsel continued to make such light of Shari’s  
11 medical status, including after learning Shari had broken her foot only days before.  
12 Exhibit D *Id.* at p.2. Plaintiff’s counsel reiterated that Shari had provided two (2) separate  
13 letters from licensed specialists, who both said in no uncertain terms that Shari cannot  
14 travel by air, and that doing so would not only be extremely painful for her, but would  
15 pose a substantial risk to her health. *Id.* Plaintiff’s counsel again confirmed that neither  
16 doctor was a friend of Shari’s, but that even if they were, it is outrageous to suggest that  
17 medical professionals would volunteer to write letters containing inaccurate or misleading  
18 information. *Id.* In response to an accusation by Defendants’ counsel that Shari had  
19 traveled a notable distance to one of her doctors, Plaintiff’s counsel confirmed Shari  
20 indeed had **been driven** to the specialist’s office, which was approximately a one hour  
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25 <sup>1</sup> Plaintiff has already informed Defendants that Shari intends to travel to Arizona by RV for  
26 trial (assuming the parties do not settle), which will take several weeks to travel from New  
27 Jersey to Arizona.

1 twenty-minute drive. *Id.* This was the specialist who in fact diagnosed her.

2 In light of all this, and Defendants' reluctance to agree to a virtual deposition,  
3 Defendants are now instead demanding that Plaintiff pay all their travel costs and related  
4 billable time for Defendants' counsel to travel to New Jersey and depose Shari in person.  
5 *Id.*, p.3. This would additionally require Plaintiff to cover travel costs for Plaintiff's  
6 counsel, who is based in Arizona. This offer is unreasonable on its face, as Plaintiff is a  
7 small business with minimal current income. Defendants costs should not be burdened on  
8 Plaintiff because of Shari's medical status. In response, Plaintiff's counsel stated that  
9 Shari was in the process of obtaining a letter from her podiatrist, but that either way, she  
10 was advised not to put any weight on her foot for six (6) weeks. Shari received the letter  
11 from her podiatrist on or about August 1, 2024 (*See Exhibit E*), which additionally states  
12 that beyond the anticipated six (6) week period to stay off her foot, Shari's injury may  
13 require surgery, which would further extend her recovery time.

## 17 **II. LAW AND ARGUMENT**

18 Rule 26(c) of the Federal Rules of Civil Procedure grants district courts broad  
19 discretion to enter or deny protective orders. *Seattle Times Co. v. Reinhart*, 467 U.S. 20,  
20 36 (1984). The party seeking a protective order must show "good cause" and include a  
21 certification that the movant has conferred or attempted to confer with other affected  
22 parties in an effort to resolve the dispute without court action. Fed. R. Civ. P. 26(c)(1).  
23 Rule 26(c) indirectly defines good cause by providing that a protective order may be  
24 entered "to protect a party or person from annoyance, embarrassment, oppression, undue  
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1 burden or expense[.]" *Id.*

2 Courts are inclined to grant motions to allow out-of-state depositions to question a  
3 party through video teleconference if traveling would have an impact on the individual's  
4 health and safety. *Cramton v. Grabbagreen Franchising LLC*, No. CV-17-04663-PHX-  
5 DWL, 3 (D. Ariz. Nov. 13, 2020). In an effort to keep cases moving forward, Courts have  
6 found that designating a deposition to be conducted by remote teleconference as effective  
7 and appropriate means to keep cases moving forward. *Swenson v. GEICO Cas. Co.*, 336  
8 F.R.D. 206 (D. Nev. 2020). Courts find that a reasonable attorney could believe that  
9 designating a deposition to occur via remote video deposition would permit the parties to  
10 proceed as scheduled because the deponent's location would be irrelevant. *Fed. Ins. Co. v.*  
11 *Tungsten Heavy Powder & Parts, Inc.*, 21cv1197-W-MDD (S.D. Cal. Oct. 11, 2022).

14 The court's decision in *Grabbagreen Franchising LLC* is significant because it  
15 illustrates the court's willingness to adapt to special circumstances by leveraging  
16 technology to ensure the continuation of legal proceedings without compromising the  
17 health and safety of individuals involved. Plaintiff met and conferred with Defendants  
18 through personal consultation on these issues during an initial phone call on July 22, 2024,  
19 and then again through numerous emails thereafter, without resolution. Plaintiff has  
20 demonstrated good cause and compelling circumstances for the issuance of a protective  
21 order based on her documented medical status, which makes air travel a substantial risk to  
22 her health and causes extreme pain and swelling. Defendants' continued insistence on an  
23 in-person deposition, despite supporting medical documentation, is not only unreasonable  
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1 but also oppressive and burdensome. The accusations by Defendants' counsel that  
2 Plaintiff is fabricating her medical status and that her doctors are her friends who are  
3 willing to write fraudulent letters are baseless and offensive. These specialists are licensed  
4 professionals who have provided medical opinions based on their expertise and personal  
5 examinations of Plaintiff. Suggesting that they would provide false information is both  
6 outrageous and unfounded.  
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8         The proposed accommodation by Defendants, requiring Plaintiff to pay all travel  
9 costs and billable time for Defendants' counsel to travel to New Jersey from Arizona is  
10 unreasonable. Beyond the extraordinary, unnecessary costs, this would also necessitate  
11 Plaintiff's counsel, based in Arizona, to also travel to New Jersey. Such costs should not  
12 be burdened on Plaintiff due to her medical status. Large litigation firms, such as the one  
13 representing Defendants, are fully capable of conducting depositions via teleconference  
14 and utilizing screen-sharing functionalities to review documents.  
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17         To maintain the procedural integrity of remote depositions, the *Grabbagreen*  
18 *Franchising LLC* court emphasized the importance of implementing "appropriate  
19 safeguards." *Cramton v. Grabbagreen Franchising LLC* at 5 (D. Ariz. Nov. 13, 2020).  
20 These include the presence of a court reporter to ensure an accurate record of the  
21 testimony and establishing a reliable means of transmission. Additionally, the court  
22 highlighted the importance of establishing a reliable means of transmission and figuring  
23 out a fair and workable process for handling documents or other exhibits. *Id.* There are  
24 only online platforms exclusively dedicated to conducting virtual depositions such as  
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1 <https://www.esquiresolutions.com/>. These platforms are specifically designed to  
2 accommodate the unique needs of legal proceedings with features that support the sharing  
3 of exhibits, real-time transcription, and secure connections to protect the confidentiality of  
4 the testimony. Defendants could also reasonably prepare and send all needed exhibits and  
5 files to Plaintiff in advance of the deposition to prevent technological delays and ensure a  
6 smooth proceeding. These safeguards provide a comprehensive solution for conducting  
7 remote depositions in a way that ensures procedural fairness to Defendants, and allows for  
8 a remote deposition under good cause and compelling circumstances, which exist here.  
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### 10 **III. CONCLUSION**

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12 Even after noticing Defendants' counsel of Shari's broken foot and inability to put  
13 any weight on it for up to six (6) weeks (and potentially longer, if her foot requires  
14 surgery), Defendants noticed an in-person deposition, and continued to demanding that  
15 Shari appear in-person for her deposition. Defendants offer no reasonable alternatives.  
16 Given Defendants insensitivity on this matter to date, Plaintiff requests an order to protect  
17 Shari from the undue burden and expense of Defendants' proposed accommodation, and  
18 from the embarrassment and oppression of revealing further sensitive medical information  
19 to Defendants. Plaintiff respectfully requests that the Court order Shari's deposition (on  
20 behalf of herself and Plaintiff) be taken via an appropriate virtual platform.  
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23 RESPECTFULLY SUBMITTED this 2nd day of August, 2024.

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25 By: s/Krystle M. Delgado  
26 KRYSTLE M. DELGADO  
27 Delgado Entertainment Law, PLLC  
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*Attorney for Plaintiff*

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Maria Crimi Speth  
Aaron K. Haar  
Jaburg & Wilk, P.C.  
3200 N. Central Avenue, 20th Floor  
Phoenix, AZ 85012  
[mcs@jaburgwilk.com](mailto:mcs@jaburgwilk.com)  
[akh@jaburgwilk.com](mailto:akh@jaburgwilk.com)  
*Attorneys for Defendants*

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